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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,563	06/04/2001	Tadashi Shiraishi	JP 000011	4221

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

CHAU, COREY P

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 01/21/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/873,563

Applicant(s)

SHIRAISHI, TADASHI

Examiner

Corey P Chau

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 is/are allowed.
- 6) ☐ Claim(s) 1-3 and 5-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2002 and 04 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 5, 6, 7, 8, 9, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5386478 to Plunkett.

3. Regarding Claim 1, Plunkett discloses a remote control system with automatic and manual capabilities in a multi-channel sound reproduction system having a main stereo module driving plurality of loudspeaker units (i.e. receiver); a remote control unit in a hand-held housing that send commands to the main stereo unit via an IR (infrared) control link (i.e. transmitting means for transmitting data to said receiver); a microphone disposed in the hand-held housing to pick up a special test signal generated from the loudspeakers (i.e. at least one microphone for receiving sound outputted from said receiver); and command module responsive to the remote control unit for adjusting parameters (Figs 1 and 2; column 1, line 60 to column 2, line 6; Claims 1 and 9). The command module supply a test signal to the loudspeakers for evaluating the predetermine parameter; deriving information relating to the predetermined parameter as sensed from each of the loudspeakers by the microphone (i.e. arithmetic operating means for calculating a state of said receiver from said sound received by said at least one microphone, and for analyzing an adjustment value for said receiver based on a

calculation result); transmitting the information from the wireless remote control unit to the main stereo module via a wireless transmission path (i.e. transmits data for initiating adjustment for said receiver and transmit an analysis result obtained by said arithmetic operating means); electronically analyzing the derived information to determine a corrective adjustment requirement relating to the predetermined parameter; and communicating the corrective adjustment requirement to the command module to perform an appropriate corrective adjustment with regard to the predetermined parameter (column 4, lines 62-68; Claim 9).

4. Regarding Claim 2, Plunkett discloses corrective adjustment based on analysis of a signal picked up by a microphone such as loudness (volume) (i.e. sound pressure level), equalization (i.e. frequency characteristic) and time delay (column 2, lines 37-50).

5. Regarding Claim 5, Plunkett discloses a variable time delay module that automatically adjust to introduce a corrective time delay equal to a difference in audio propagation time between acoustic paths from corresponding ones of the loudspeaker and the microphone (i.e. receiving means for receiving data from said receiver, data received by said receiving means from said receiver is being referred while the state of said receiver is calculated) (Fig. 2; Claim 4).

6. Claim 6 is essentially similar to Claim 1 and is rejected for the reasons stated above apropos of Claim 1. Plunkett discloses the command module that generates test tones through the loudspeakers (column 3, lines 36-40).

7. Claim 7 is essentially similar to Claim 2 and is rejected for the reasons stated above apropos of Claim 2.

8. All elements of Claim 8 are comprehended by Claim 1. Claim 8 is rejected for reasons stated above apropos of Claim 1.
9. Claim 9 is essentially similar to Claims 1 and 2 and is rejected for the reasons stated above apropos of Claims 1 and 2.
10. Claim 10 is essentially similar to Claim 2 and is rejected for the reasons stated above apropos of Claim 2.
11. All elements of Claim 11 are comprehended by Claim 1. Claim 11 is rejected for reasons stated above apropos of Claim 1.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5386478 to Plunkett in view of U.S. Patent No. 6069567 to Zawilski.
14. Regarding Claim 3, Plunkett discloses a remote control system comprising only one microphone. Zawilski discloses a remote control unit comprising two microphones wherein capturing audio information is enhanced with additional the microphones (column 2, lines 60-62). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the remote control system of

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Plunkett with the teaching of Zawilski to have two microphones to enhance the capturing of audio information.

Allowable Subject Matter

15. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey P Chau whose telephone number is (703)305-0683. The examiner can normally be reached on Monday - Friday 9:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on (703)305-4386. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

January 12, 2004


FORESTER W. ISEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

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